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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thomas MCGEE et al.
Serial No.: 10/531773
Filed: 19.Apr.2005
Examiner: Kyle A. PURDY
Art Group: 1611
Title: PESTICIDAL COMPOSITIONS

PER TELEFAX (51) 273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

24 December 2008

Dear Sir;

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

This paper is responsive to the *Restriction Requirement* dated 05.December.2008.

At the outset, the applicant TRAVERSES the Examiner's requirement as to the election between the following grouping of the claims:

Group I: claims 1 - 8, 11
Group II: claim 9
Group III: claim 10

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It is the applicant's position that notwithstanding the Examiner's comments that various class and subclass designations may be applied to the above groups of claims, that the subject matter of the claims are sufficiently proximate and overlapping in technical nature that a search on one group of claims would likely result in a sufficiently broad search ample to assess the patentability of *all* of the claims.

Nonetheless, if the Examiner does not withdraw the outstanding *Restriction Requirement*, the applicant provisionally elects the subject matter of the Group I claims, with TRAVERSE. These corresponding claims are claims 1-8 and 11.

The applicant also traverses the Examiner's election of species requirement, namely the identity of the "supporting material" of claims 2 and 5. It is the applicant's position that the nature of the claimed supporting materials present within claims 2 and 5 are sufficiently similar such that a single coextensive search of the prior art relating to the currently claimed invention may be made, and without imposing an undue burden on the Examiner.

Nonetheless, if the Examiner does not withdraw the outstanding *election of species* requirement, and with reference to the species outlined by the Examiner, the applicant provisionally elects "... high molecular weight, low melting point wax" as outlined in claim 2, with TRAVERSE.

The foregoing election of species are believed to be complete in view of applications provisional election of the Group I claims (claims 1 – 8, 11).

The applicant expressly reserves their right to reinstate any non-elected subject matter indicated this paper in a later filed application.